

**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

**PRESENT:** Supervisors

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DENYING THE APPEAL OF KHOSRO KHALOGHLI, AFFIRMING THE PLANNING DEPARTMENT HEARING OFFICER'S DECISION, ADOPTING THE MITIGATED NEGATIVE DECLARATION ED13-161 AND APPROVING MINOR USE PERMIT DRC2012-00119

The following resolution is now offered and read:

WHEREAS, on June 6, 2014, at the Planning Department Hearing Officer of the County of San Luis Obispo duly considered and conditionally approved the application of Centrally Grown, Inc. for Minor Use Permit DRC2012-00119; and

WHEREAS, Khosro Khaloghli has appealed the Planning Department Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on January 13, 2015, and determination and decision was made on January 13, 2015; and

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WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Department Hearing Officer should be affirmed, and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Mitigated Negative Declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by Khosro Khaloghli is hereby denied, that the decision of the Planning Department Hearing Officer is affirmed, and that the application of Centrally Grown, Inc. for Minor Use Permit DRC2012-00119 is hereby approved subject to the modified findings and conditions of approval set forth in Exhibits A and B attached hereto and incorporated by reference herein as though set forth in full.

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Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

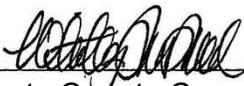
ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: December 22, 2014



**FINDINGS - EXHIBIT A  
FINDINGS FOR MINOR USE PERMIT**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, has found and the Board of Supervisors agrees that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on April 23, 2014 for this project and is complete, adequate, and prepared in compliance with the California Environmental Quality Act. Mitigation measures are proposed to address aesthetic and biological resources, and are included as conditions of approval.

*Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the existing and proposed mixed-use development does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the mixed-use development is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Exotic Gardens Lane which is constructed to a level able to handle any additional traffic associated with the project.

*Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

*Mixed-Use Development*

- H. The proposed mixed-use development will not remove or convert existing lower-cost

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visitor-serving or recreational facilities, but will add to the inventory of commercial and visitor-serving uses.

- I. The proposed mixed-use development will not adversely affect parking and access for existing or future visitor-serving and recreational uses. In particular, new residential uses will not diminish opportunities for parking for existing or expanded visitor serving or recreational uses on the same site.

## EXHIBIT B - CONDITIONS OF APPROVAL

### **Approved Development**

1. This approval authorizes the following:
  - Building 1 – Add 222 square foot rear deck to the rear of the restaurant and use the existing 305 square foot front deck as a viewing deck by restaurant patrons only. The deck shall not be used for dining purposes, including no tables or seating for restaurant patrons.
  - Building 2 and 3 – Convert existing residence and commercial storage space to commercial retail, and add a 380 square foot deck. Interior/exterior structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
  - Building 4 – Convert commercial structure to accessory restaurant use for patron overflow, banquets or meetings only. Building 4 shall not include a commercial kitchen or serve as a standalone restaurant. Add 392 square foot deck. Interior/exterior structural modifications as required by Building Code.
  - Building 5 – No change. Interior/exterior structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
  - Building 6 – Changes to exterior elevations. Structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
  - Building 7 – Add new, two story accessory restrooms.
  - Building 8 – No change. Structural modifications as required by Building Code.
  - Building 9 – Continued use as a single family residence with option to be used as a vacation rental.
  - Children's play structure near the rear of the property.
2. This approval allows a reduction of parking requirements by 20% per Section 23.04.162. The project, inclusive of the 20% reduction, is required to provide 63 parking spaces. The project would provide 75 parking spaces (12 more than the required 63) and thus meet parking requirements.
3. No temporary events are permitted other than temporary events ancillary to the primary restaurant, or as allowed by Ordinance. Additional events would require permitting as required by Ordinance or standards.

### **Conditions required to be completed at the time of application for construction permits**

#### ***Site Development***

4. **At the time of application for construction permits**, submit architectural elevations to detail exterior finish materials, colors, and height above finish grade on all sides of Buildings 2, 3, 5 and 6 to the Department of Planning and Building for review and approval. Buildings 1, 4, 7, 8, 9 and other structures shall be shown on plans consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

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5. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. Parking lot lighting bollards shall not exceed 48 inches in height.
5. The project shall conform to the National Pollution Discharge Elimination System storm water management program regulations.
6. The project is subject to the California State Title 24 accessibility requirements, including the children's play structure.
7. The project may require a full soils report for the design of any building foundations at the time of construction permit application submittal.

### ***Fire Safety***

8. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.
9. The requirement of fire sprinklers for any of the buildings will be as determined by County Ordinance Title 19. The sprinkler plans (if required) shall be submitted with a separate application for a separate fire sprinkler permit with the application for the structure(s). The application for the sprinkler system and any water tank storage required for the system shall be approved prior to issuance of the structure(s). Cal Fire requires that all commercial sprinkler systems be reviewed by a licensed fire protection engineer.
10. **At the time of application for construction permits**, the applicant shall submit a drainage plan prepared by a Registered Civil Engineer for review and approval by the County Public Works Department. The plan shall, at a minimum evaluate: 1) the effects of the project's projected runoff on adjacent properties and existing drainage facilities and systems, and 2) estimates of existing and increased runoff resulting from the proposed improvement. The plan shall include Best Management Practices (BMPs) to address polluted runoff, including, but not limited to minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways) and directing runoff from roofs and drives to vegetative strips before it leaves the site.
11. **At the time of application for construction permits**, a sedimentation and erosion control plan shall be prepared per County Coastal Zone Land Use Ordinance Section 23.05.036 for review and approval by the County Public Works Department, and it shall be incorporated into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices, final erosion control measures, and control of off-site effects.

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12. **At the time of application for construction permits**, the applicant shall request an encroachment permit from Public Works for drainage improvements that would occur within the County right-of-way
13. **At the time of application for construction permits**, the applicant shall submit plans that comply with the requirements of the National Pollution Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

14. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school, public facility, and road fees.

**Conditions to be completed prior to occupancy or final building inspection/establishment of the use**

15. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before establishment of the use. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
16. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire of all required fire/life safety measures.
17. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
18. **Prior to occupancy clearance**, the applicant shall install "no parking" signs along Exotic Garden Lane so as to ensure that parking only occurs in approved, designated parking spaces.
19. **Prior to occupancy clearance**, the Department of Planning and Building shall confirm that the water conservation measures described in the Mitigated Negative Declaration for the project have been implemented.
20. **Prior to occupancy clearance**, the applicant shall install "No Smoking" signs throughout the site.

**On-going conditions of approval (valid for the life of the project)**

21. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work

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progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

22. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
23. All uses on the project site shall conform to the noise requirements as established by Ordinance at all times.
24. The applicant shall, as a condition of approval of this minor use permit/coastal development permit defend, at his or her sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit/coastal development or the manner in which the County is interpreting or enforcing the conditions of this minor use permit/coastal development permit, or any other action by a third party relating to approval or implementation of this minor use permit/coastal development permit. The applicant shall reimburse the County for any costs and/or attorney's fees which the County incurs as a result of such action. The County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition.